

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above Amendment and discussion below.

Applicants' invention has been discussed extensively in previously filed Amendments including particularly the Amendment filed March 1, 2005, which is incorporated herein by reference.

The present patent Office Action contains new grounds of rejection using the same references as in the previous Office Action. Currently, claims 23-38 are rejected under 35 U.S.C. §103 as unpatentable over Ivanov et al. '820 in view of Gruener '682 as detailed at pages 3-6 of the patent Office Action.

Additionally, the "Remarks" portion at item 5 on page 7 of the patent Office Action provides an indication that the Examiner did not agree with the arguments presented in the previously filed Amendment of March 1, 2005 because "thermal coating method" in the preamble of the claim was not accorded patentable weight because it merely recites the purpose of the process and because the claim language does not recite "glowing flying real particles".

Applicants' traverse this rejection on the grounds that the preamble may not be ignored in a 35 U.S.C. §103 obviousness rejection. It is always a part of the determination whether one skilled in the art would find it obvious to make the necessary changes in light of the references. One skilled in the art would have to be concerned with a thermal coating method. Any combination of the references must ultimately meet the goal of providing a thermal coating method. This is distinct from an anticipation rejection wherein the process steps or structural limitations are all included in a single reference.

However, in order to more clearly establish the thermal spray coating method, Applicants' have amended independent claim 23 to recite that the plasma jet or the particle jet are for a "thermal spray coating" and that the step of recording and assigning provides monitoring of quality of a thermal spray process.

Additionally, Applicants traverse the indication that there is no claim language which recites "flying real particles". As discussed extensively in the

response of March 1, 2005, a plasma jet or a particle jet refers to "particles" whereas the term "plasma" by itself does not denote particles but instead involves a mixture of atoms, molecules, ions and electrodes as disclosed at column 2, line 23 of Ivanov.

However, once again in order to be responsive, Applicants have amended independent claim 23 to recite the recording of images of "real powder particles and the assigning of their images".

Therefore, in light of the distinguishing features between the claimed invention and the references based on previously discussed distinctions in the Amendment of March 1, 2005, as well as the above amendments to independent claim 23, Applicants' respectfully request the allowance of this application containing independent claim 23 and dependent claims 24-38, which depend from and contain all of the limitations of independent claim 23.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038733.48722).

Respectfully submitted,

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